

**ENTERED**

December 09, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. G-16-MJ-141 (2)
	§	
JEMAR GUARDIANO	§	

**ORDER OF DETENTION**

On December 5, 2016, this Court convened a combined Preliminary and Detention Hearing in regard to the Defendant, **Jemar Guardiano**. Having considered the report of the Pretrial Services Officer recommending detention and the fact that **Guardiano** is presently in the constructive custody of U.S. Immigration and Customs Enforcement subject to a final Order of Removal, the Court makes the following findings of fact and conclusions of law.

Since **Guardiano** presently has no legitimate claim to a liberty interest that would justify an immediate or meaningful detention determination under 18 U.S.C. § 3142(f), it is the **ORDER** of this Court that good cause exists to postpone the need for such a determination until such time, if any, as **Guardiano** can maintain a legitimate liberty interest before this Court. See United States v. King, 818 F.2d 112, 114 (1st Cir. 1987). Accordingly, the Court finds that there is no need to make a detention determination at this time.

It is, therefore, **ORDERED** that the Defendant, **Jemar Guardiano**, be, and he is hereby, **COMMITTED** to the custody of the Attorney General or his designated representative for confinement in a corrections facility.

It is further **ORDERED** that the Defendant, **Jemar Guardiano**, **SHALL** be afforded a reasonable opportunity for private consultation with defense counsel.

It is further **ORDERED** that upon Order of a Court of the United States or upon request of an attorney for the Government, the person in charge of the corrections facility **SHALL** deliver the Defendant, **Jemar Guardiano**, to the United States Marshal for the purpose of an appearance in connection with a Court proceeding.

**DONE** at Galveston, Texas, this 9th day of December, 2016.

  
\_\_\_\_\_  
John R. Froeschner  
United States Magistrate Judge